

Before the
Federal Communications Commission
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition of the Connecticut Department of) RM No. 9258
Public Utility Control)
for Amendment to Rule Making) DA No. 98-743
)

COMMENTS OF OMNIPOINT COMMUNICATIONS, INC.

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, files these comments on the above-captioned proceeding on the March 30, 1998 Petition of the Connecticut Department of Public Utility Control (the "Petition"). Omnipoint and its affiliates hold many broadband PCS licenses, including the New York MTA Block A license, 18 Block C PCS licenses, and 108 Block D, E and F licenses. Omnipoint currently operates commercial PCS systems in several markets, such as New York City (including Connecticut), Philadelphia, Boston, and Miami. The Petition raises to the Commission an issue of significant import for Omnipoint's PCS service in Connecticut and throughout the country: the re-examination of the initial numbering administration guidelines adopted by the Implementation of Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order, 11 FCC Rcd. 19392 (1996) (the "Second R&O").

Omnipoint believes that the Commission must revisit its initial numbering administration decisions, especially as they affect the ability of wireless entrants to obtain adequate numbering resources in an efficient manner. In all-services NPAs across the country, numbering allocation issues have reached crisis proportions, or are about to do so. States, in turn, are very often forced to take very difficult and controversial actions to preserve control over dwindling resources while they contemplate longer-term solutions (i.e., splits/overlays) and implementation. Unfortunately,

these state number conservation actions -- such as number pooling¹ or NXX-X Location Routing Number² schemes -- disproportionately impact wireless carriers. Omnipoint is convinced that re-addressing some of the Commission's initial Second R&O decisions, including the prohibition on technology or service specific overlays, will contribute to the resolution of many of the problems faced by states and other numbering authorities.

Omnipoint agrees with the Connecticut Department of Public Utility Control that the Commission must rethink its initial conclusions of the Second R&O (at ¶¶ 285-288) concerning technology and service-specific NPA overlays.³ If properly implemented, wireless overlays can (a) improve numbering resources for wireless carriers, (b) avoid significant discrimination against new entrants, (c) avoid anti-consumer 10 digit dialing requirements, (d) allow state commissions to deal with all-services NPA planning in more creative and efficient ways.

In fact, Omnipoint's "Petition for Reconsideration and Clarification" of the Second R&O (which was filed on October 7, 1996 and is still pending today) raises the analogous concept of

¹ In its February 18, 1998 Decision, the CTDPUC adopted a "number pooling" approach, which Omnipoint and several other wireless carriers have shown is unduly discriminatory against wireless carriers.

² The Pennsylvania Public Utility Commission's July 15, 1997 order for a transparent overlay and NXX-X Location Routing Number also disadvantages wireless carriers, as described in the comments of Omnipoint and other wireless carriers in DA 97-2418, NSD File No. L-97-42.

³ However, Omnipoint does not concur with the premise of the Petition that wireless-only overlays should only be permitted where wireless carriers do not effectively compete with wireline carriers. As discussed above, Omnipoint believes that several public interest benefits support the use of wireless overlays, irrespective of the state of wireless/wireline competition. Omnipoint believes that wireless will compete successfully with wireline if permitted a level playing field. For example, the implementation of Calling Party Pays would allow wireless services to operate as a functional and competitive substitute for wireline services.

an Expanded NPA Overlay⁴ uniquely suited to meet the needs of the burgeoning wireless industry.⁵ Under this plan, the Commission would establish wireless-only multi-MTA NPA overlays. Wireless carriers could voluntarily opt into the Expanded NPA Overlay numbering resource, or continue on with the existing all-services NPA and accept the obligations of participation imposed on a state-by-state basis. Under this scheme, the NANPA would replace the state commissions for purposes of NXX allocation to wireless carriers, and for resolving number exhaust and planning issues.

Omnipoint is currently working with members of the wireless industry and other interested parties to present to the Commission, within the next 60 days, a formal request for adoption of a wireless-only multi-MTA NPA scheme. Omnipoint hopes that all interested

⁴ Omnipoint notes that the Expanded NPA Overlay has also been recommended by the CLC Ad Hoc Committee as one solution to short-term number exhaust. Carrier Liaison Committee ("CLC") Ad Hoc Committee on NXX Exhaust, Short-term Technical Alternatives to NXX Exhaust, at § 2.3 (presented to NANC July 22, 1997; revised Sept. 2, 1997).

⁵ Omnipoint's plan for an Expanded NPA Overlay has evolved since the Petition for Reconsideration was filed over one and one-half years ago. For example, it is now apparent that a wireless-only overlay is necessary to accommodate all of the numbering needs of the wireless industry entrants.

parties can work together on these number allocation issues in order to minimize consumer confusion and to facilitate the healthy growth of the wireless industry.

Respectfully submitted,

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